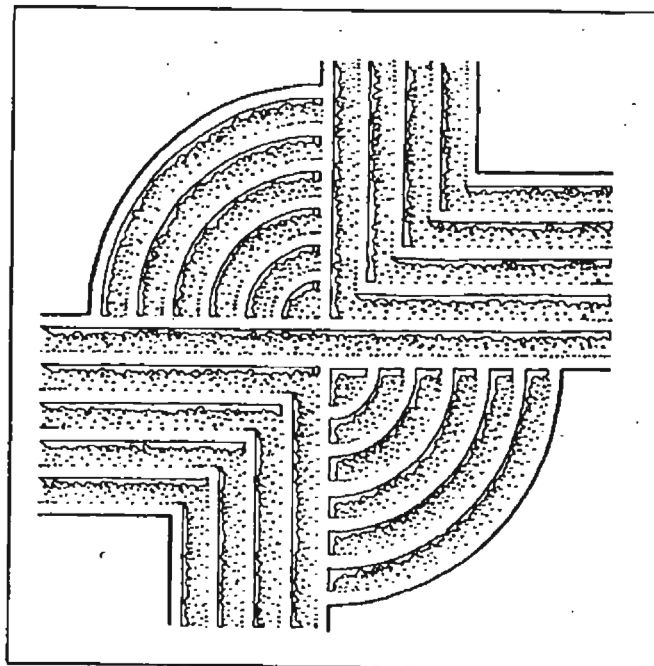


ARCHAEOLOGICAL CONTRACTING AND STANDARDS OF PRACTICE



RESEARCH CONTRIBUTION 41

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ARCHAEOLOGICAL CONTRACTING AND STANDARDS OF PRACTICE

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In looking over the topics which have been covered these past few days, it appears that you ladies and gentlemen have been exposed to just about every conceivable aspect of cultural resource management. You should now better understand the national preservation laws, you should have a feel for the support services offered by the National Park Service, you should know the role of the State Historic Preservation Office, you should begin to comprehend the importance of archaeological resources, and your background in the federal government has provided you with an understanding of the procurement codes. I, therefore, wondered what I could possibly add. Then it hit me, up to this point you have been told about legalities: laws, regulations, and directives. But there is another dimension to archaeological contracting: ethics -- the ethical code of the archaeologist, and the ethical code of you, the contracting officer.

I am not referring to personal ethics, which cover the probity expected of all decent men and women. Nor am I concerned with the ethics typically associated with procurement codes, since they are easily identifiable, traceable, and actionable by law. I want to briefly discuss with you professional ethics or standards which cover the attitudes and actions which should direct the conduct of both the contracting officer and the professional archaeologist.

There are a few basic codes of conduct which should direct your behavior in the process of contracting for archaeological services and there are also standards which you should expect from professional archaeologists.

First, you must regard archaeological projects as serious, professional research mandated by national law and designed to protect our irreplaceable cultural patrimony. As federal employees, you have an ethical obligation to protect the archaeological resources which have been placed in your trust. While I realize that for many of you, cultural resources are but another aspect of your job that you perhaps did not anticipate, they are now your legal and ethical responsibility. If you take that responsibility lightly, you betray the trust placed in you. If you take that responsibility seriously, you have every reason to expect, and demand, that professional archaeologists will work diligently with you. In addition, you have the right to expect the archaeologist to take your project just as seriously. This means you should expect timeliness and cost-effective work. More than anything else, however, you should expect and receive professional, thorough research.

Second, you must realize that archaeology is a discipline requiring tremendous professional competency and knowledge. You

must be willing to pay for that knowledge. Professional archaeology is no less complex than medicine, law, or architecture. Too frequently I deal with individuals who pay their architect \$40 or \$50 an hour and their attorney \$100 an hour, but are incredulous that professional archaeologists are paid \$20 an hour. A professional archaeologist who has obtained a doctorate will have at least eight years of college training -- representing more scholarly training than many other professionals. An individual with a masters degree will have received six years of scholarly training.

In addition, you should ensure that any archaeologist you may consider hiring has conducted work, not only in your region, but also on your type of site. You should not be paying your archaeologist to learn the literature -- you should expect your consultant to be totally familiar with the area and similar sites. If an out-of-state firm, with little or no knowledge of the cultural sequence of the project area or of previous investigations, is retained to conduct archaeological research, you will find either the project costs escalating or the quality of the research diminished.

Third, when it comes to project costs remember that professionally competent archaeological research involves a variety of tasks, such as background research; historical and archival research; field work; analysis of the collections; specialized analyses of faunal, floral, shellfish, and architectural remains; conservation of the recovered artifacts; curation of the specimens; and report preparation and dissemination. All of these tasks have real costs that you must recognize and be willing to fund. There are few legitimate means of reducing the cost of archaeological investigations, other than reducing their scope. It is inappropriate to reduce costs by reducing the level of analysis, eliminating essential curation costs, or avoiding complete publication of the final report. Remember the adage that you get what you pay for. I have never seen sound, professional archaeology conducted cheaply, although I have seen quite a bit of cheap archaeology.

Let me emphasize two areas which frequently receive inadequate attention -- conservation of artifacts and dissemination of reports. Many artifacts, particularly those made of metal or organic materials, reach a state of equilibrium with the soil. Once they are excavated, the artifact is introduced into a new and hostile environment. As a result, the specimen will begin to deteriorate, often within a few weeks or months. If these materials are worthy of excavation, then they are also worthy of conservation treatments to halt this deterioration process. Absent this treatment many archaeological materials will be destroyed within a matter of a few years. It is your responsibility to fund adequate conservation treatments to ensure that the specimens excavated with public money are available to the public in the future. It is the

archaeologist's responsibility to be able to conduct the necessary field conservation treatments and either have on-staff, or be able to retain, an individual competent in the conservation of archaeological materials. It is also your responsibility, as contracting officers, to read the proposals and examine the budgets for evidence that the archaeologists being considered are able to conduct the necessary conservation treatments and that funds have been specifically allocated for this purpose.

In a similar vein, if it is in the public interest to conduct research at an archaeological site, then it is essential that the public have access to the results of that study. Providing funds to print only five or six reports fails to ensure that the public has access to their cultural heritage. It is your responsibility to ensure that adequate funding is available to provide copies of archaeological studies to the State Historic Preservation Office, the State Archaeologist, the State Library, major university libraries, other researchers in the area, and even county public libraries. You should require that the archaeologist provide your agency with a list of intended report recipients, examine that list to ensure that it represents a cross section of the public (not just other governmental agencies), and then verify that the reports have been distributed in a timely manner.

Fourth, you have an obligation to know what you want when you send out a scope of work. It is inappropriate to make the archaeologist second guess your desires. It also endangers the resources when you contract for either more or less than what is necessary. You have heard that 36CFR800 requires interaction with the State Historic Preservation Officer under certain circumstances. If you are in an agency without the benefit of a professional archaeologist on-staff, then it is in your best interests, and in the best interests of the cultural resources, to actively involve your State Historic Preservation Office, regardless of the legal requirements. Call it a matter of courtesy, or call it common sense -- get assistance from a neutral party about the scope of work before it is sent out. In addition, once you have proposals in hand, ask the State Historic Preservation Office to review those proposals and offer input on the quality of previous work, the quality of the proposed research design, and the appropriateness of the methodology. Keep in mind, as you negotiate with the selected archaeologist, that it is also your right to expect that you are dealing with a competent professional who is capable of impartially advising you on archaeological issues. It is clearly inappropriate for a professional archaeologist to obtain work through the ignorance of the client.

Fifth, when you receive proposals for archaeological research you have a responsibility not to be taken in by full color corporate qualification statements, expensively bound proposals, or hypothetico-deductive models. Your obligation is to ensure that

the cultural resources are protected -- that the tract is adequately surveyed, that the site is appropriately excavated, that the study is accurately and meaningfully reported, that the artifacts are conserved and permanently curated, and the results are logically and simply disseminated to the professional and lay communities.

Related to this is the obligation to ensure that when you review proposals you are comparing like products. You should examine the knowledge and background of the Principal Investigators and the Field Directors. You should look at how much time will be spent on this project, including field time, by the Principal Investigators. You should compare the reputation of the various firms for thorough research, timely reports, field expertise, adequacy of field equipment, ability to conserve and curate collections, and dissemination of reports to the professional and lay communities. You should compare the time to be spent in the field by the various firms and the amount of work that each proposes.

All of this requires that you actually read the proposals -- not just look at the last page where the budget is summarized. If you read the proposal you may discover that although the cost is low, you are not going to receive what you want, or what you need.

The archaeologist has the responsibility of ensuring that sufficient information is in the proposal to allow you to understand the work being proposed. You have a right to read a clear, straight-forward research design. You have the right to know where the money will be spent and the specific cost of each task. And if you do not understand any item in the proposal, you have a right to a clear answer.

As you review the proposal you should also find the time to contact several previous clients of each firm being considered. In addition, contact the State Historic Preservation Officer both in your state and in the firm's home state. Find out if previous projects have been acceptable for compliance purposes. This informal contact also allows you to discover if the firm's qualifications have been accurately portrayed.

Sixth, you should anticipate visiting the archaeological project as often as possible during the course of field work -- I would suggest at least once a week. Although you may not be an archaeologist, you can ensure yourself that what was promised in the proposal is being done. You can also observe the quality of the work being conducted. If it is a survey with shovel tests, are the tests being screened? Are the units the size stated in the proposal? And are the correct number of tests being excavated? Or is the shovel just being stuck in the ground enough to turn over some sod in a few areas with easy access? Are the tests being backfilled? Or are you going to be liable when someone breaks a

leg? Are the areas intended for testing being examined? Or has the archaeologist gotten lost, or found somewhere more interesting to examine? If the project involves data recovery excavations, is the site area neat, well organized, and clean? Or does it appear to have been occupied by squatters? Is equipment being well cared for? Or are shovels dull, transit tripod legs taped together, and tools scattered over the site? Are the excavation units square, the profiles plumb, and the floors level? Or do the excavations appear to have been trodden by rampaging buffalo? When you visit the site are the crew members working? Or does the site resemble a seminar or, worse yet, a county highway project? Are artifacts being treated carefully and bagged appropriately? Or do more artifacts appear to be in the backdirt than are in the bags? It is your right to see the field notes. Are there clearly understandable forms for daily observations, features, photographs, units notes, profiles, and plan drawings? Or are the notes smeared, illegible, and scattered in notebooks across the site?

When in the field there is a clear protocol that the principal investigator has a right to expect you to follow. You should deal with the Principal Investigator or the Field Director, not individual crew members. You should realize the necessity of keeping to schedules and be considerate of essential activities. If it is necessary to tour the site with your supervisor or a large group, inform the archaeologist in advance. If you need to have a lengthy meeting regarding the progress of work, schedule it after hours. The archaeologist also has the right to expect you to accept his professional judgement, as long as it does not involve major changes in the research design or proposal specifications.

Seventh, no archaeologist should object to a reasonable retainage until all the requirements of artifact conservation, specimen curation, and field note curation are completed. You have an obligation to ensure that the artifacts and field notes have been properly conserved and curated. This means you should satisfy yourself, either through actual examination of the materials, or through written documentation from the curatorial facility, that the specimens and field notes have been turned over in acceptable condition. If you find yourself in the position of examining the field notes, are they complete and legible? Do they contain information on daily activities, the excavation of all the various units and features, a complete photographic record for both black and white and color slide films, profile drawings, and plan drawings? Do the drawings have scales, north arrows, and are they labeled? Are all the photographs properly processed and accounted for? Is there a complete catalog of materials recovered? If you also must examine the collections, are they washed, bagged, and neatly labeled? Are the specimens in order, with the various boxes clearly labeled? Are items which require conservation treatments, such as iron specimens, appropriately treated?

These processes should not intimidate you. Properly organized

field notes and processed collections should be understandable to any educated person. The archaeologist looking at these notes or collections 50 years from now will be no more familiar with this site, or its method of excavation, or the treatment of its artifacts, than you are. If you cannot make sense of the notes, or find the artifacts today, another archaeologist won't be able to 50 years from now.

Eighth, you should encourage the archaeologist to solicit peer reviews on the draft report. Peer reviews assist in maintaining a high level of professional competency by allowing other archaeologists to review the findings prior to publication. In addition, you should also seek your own review comments on the draft report. Once review comments are in hand, you have every reason to expect the archaeologist to address the comments, incorporating pertinent suggestions, making necessary corrections, and justifying questioned conclusions. Such reviews, however, should not be anonymous -- anyone who has reasonable comments, whether positive or negative, should be willing to stand, not hide, behind those comments.

Ninth, archaeological research is not a matter of national security -- it is a scientific undertaking conducted for the public good. Yet, I have had dealings with several agencies that made every possible attempt to conduct archaeological investigations in total secrecy, desiring to keep the results from the news media, the public, and other professional researchers. This is clearly inappropriate. While it is often necessary to keep the exact location of the site confidential in order to prevent site looting, the public has a right to know about archaeological investigations undertaken with public funding. Publicity of archaeological investigations is also a unique opportunity for good will and public education.

Finally, you should expect to get what the proposal told you would get. If the proposal indicated that 10 units would be excavated, you should expect that 10 units will be excavated. If the proposal indicated that all of the faunal remains would be analyzed, look for the results of that study in the draft report and make sure it incorporates the entire collection and not just a sample. If you find that a task specified in the Scope of Work or detailed in the proposal has not been completed, it is your obligation to ensure that the required work is completed and incorporated into the final report. Remember, the responsibility to ensure that our nation's cultural heritage is protected has been entrusted to you.

In the way of an epilogue, I realize that unlike the other topics presented here over the past few days, these recommendations will not make life easier for you, at least not in the short run. They require you to take a much more active role in archaeological studies and assume a great deal of responsibility for protecting

our nation's fragile historical heritage. In the long run, however, if you implement these suggestions you will find that the quality and consistency of archaeological studies will improve, and that your job will gradually become easier.

I also realize that many federal agencies place concern with historical resources below what they consider to be their major responsibility. Hence funding is scarce and a real commitment on the part of the individual administrative directors may be difficult to find. I am sympathetic with this situation. I hold out great hope that friendly persuasion and education will result in a better understanding of the ethical need to protect our nation's past. But, like the television commercial concerning Selective Service registration tells us -- it is also the law.